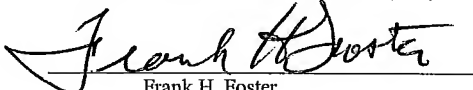


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/555,470
Applicant : Roger R. Dzwonczyk et al.
Filed : 11/02/2005
Tech. Center/Art Unit : 4123
Examiner : Michael C. Stout
Attorney File No. : OSU GEN 2949 PCT US
Customer No. : 002555
Confirmation Number : 4111
For : Measuring Human Heart Muscle Viability Using
Myocardial Electrical Impedance

I hereby certify that this correspondence is being transmitted via the Office Electronic Filing System (EFS)

on 27 May 2009. 
Frank H. Foster

DECLARATION OF PATRICK I. MCCONNELL

I, Patrick I. McConnell, declare as follows:

1. I am one of the joint or co-inventors named in the above identified patent application.
2. I am familiar with the two technical articles identified as paper A and paper B and more particularly identified as follows:

A. R. Dzwonczyk et al. "Myocardial Electrical Impedance Responds to Ischemia and Reperfusion in Humans", *Computers in Cardiology* 2002;29:541-543.

Paper A was both cited and applied in a rejection by the examiner.

B. CL delRio et al. "Use of Myocardial Electrical Impedance to Assess the Efficacy of Preconditioning", *Computers in Cardiology* 2002;29:489-492. Paper B was cited but not applied by the examiner.

3. Although I am a co-inventor of the invention described and claimed in the above identified patent application, I did not play a significant enough role in the experiments which were the subject of the papers to justify my inclusion as a co-author of the papers. The invention described and claimed in the above identified patent application was conceived by the named four co-inventors by collaboration among them in discussions during the course of meetings at which they were personally present at The Ohio State University in Columbus, Ohio USA. These meetings occurred more than six years ago and I do not have a clear recollection of who made what suggestions. To the best of my knowledge and belief the co-inventors of the invention described and claimed in the above described patent application each made an approximately equal contribution to the subject matter of the claims in the patent application. To the best of my knowledge and belief none of the co-inventors made no contribution to any of the claims. The other co-inventors and I contributed equally to the conception of invention as disclosed and claimed in the above identified patent application.

The undersigned, being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting patent, declares that all statements made in this declaration of his/her own knowledge are true; and all statements made in this declaration on information and belief are believed to be true.

5/22/ 2009
Date of Signature


Patrick I. McConnell